

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES  
4000 WEST BROAD STREET  
RICHMOND, VIRGINIA**

**NOVEMBER 29, 2005, 9:00 a.m.**

**PRESENT:** Sherry Smith Crumley, Chairman, C. Marshall Davison, William T. Greer, Jr., John W. Montgomery, Jr. (arrived 9:15 a.m.), Ward Burton, C. T. Hill, Charles S. Yates, Thomas A. Stroup, James W. Hazel, **ABSENT:** Randy J. Kozuch, Schedule Conflict; **LEGAL COUNSEL:** Roger Chaffe, **INTERIM DIRECTOR,** Colonel W. Gerald Massengill; **SENIOR STAFF:** Major Mike Bise, Raymond E. Davis, Robert W. Duncan, Gary F. Martel, Charlie Sledd, David K. Whitehurst

Chairman Crumley called the meeting to order at 9:00 a.m. Mr. Hill read the mission statement and the Pledge of Allegiance to the Flag was lead by Scott Naff. A quorum was present.

Ms. Crumley welcomed Ward Burton to the Board. Mr. Burton was recently appointed to the Board to represent the Fifth Congressional District. Over the years, Mr. Burton has donated time to the Department to work for House Bill 38, the constitutional amendment guaranteeing the right to hunt and fish, and other initiatives beneficial to sportsmen and women.

**1. Public Comment, Non-Agenda Items:** No requests were received to speak on non-agenda items.

**2. Recognition of Employees and Others:** Colonel Massengill was recognized. He requested Marsha Garst, Commonwealth Attorney for Rockingham County and Christopher L. Miller, Assistant Commonwealth Attorney for Rockingham County to come to the podium for recognition for their outstanding service to the agency's law enforcement efforts. These individuals assisted for several years with some undercover operations dealing with the illegal trafficking of bear parts (Operation SOUP and Operation VIPER). These operations resulted in multiple state and federal charges involving many individuals. They also assisted with bringing other wildlife-related concerns to closure. Colonel Massengill presented plaques to Ms. Garst and Mr. Miller that read: "In Recognition of Marsha I. Garst, Commonwealth Attorney for the County of Rockingham and the City of Harrisonburg by the Department of Game and Inland Fisheries for outstanding service to the Commonwealth of Virginia in support of Operation VIPER and for the continuing efforts to curb the illegal trafficking of wildlife."

"In Recognition of Christopher L. Miller, Rockingham County Assistant Commonwealth Attorney by the Virginia Department of Game and Inland Fisheries for outstanding

service to the Commonwealth of Virginia in support of Operation VIPER and for the continuing efforts to curb the illegal trafficking of wildlife in Virginia.”

**3. Minutes of the October 27, 2005 Board Meeting:** Draft minutes of the October 27, 2005 Board meeting were posted on the Department’s web site and copies were distributed with the meeting briefing materials. Chairman Crumley called for any additions or corrections to the minutes. As there were none, **Mr. Railey moved, seconded by Mr. Hill, passed unanimously in a show of hands vote, that the minutes be approved as written. Ayes: Railey, Hill, Davison, Greer, Burton, Crumley, Yates, Stroup and Hazel. Mr. Montgomery was not in the room when the vote was recorded.)**

**4. The Wildlife Foundation of Virginia:** Jenny West, Executive Director for the Wildlife Foundation of Virginia was recognized. Ms. West provided a PowerPoint presentation on the Foundation and its conservation work in Virginia. It is a statewide non-profit 501 C3 organization founded in 1997 and its mission is to sustain hunting and fishing in Virginia by increasing public access opportunities. The Foundation is governed by a Board of Directors and Ms. West is its only full time employee.

Working with public and private partners, the Foundation identifies areas in Virginia that can be used to increase public access and opportunity, and they have acquired lands in the counties of Fluvanna, Accomac and New Kent that are adjacent to the Hardware River, Saxis and Game Farm Marsh Wildlife Management Areas. These lands have been gifted to the Department. The Foundation also received, by gift, over 2,000 acres in Albemarle County from the Thomas Forrer family known as Fulfillment Farms. This property is managed to benefit outdoor enthusiasts and public access is provided at no cost to users.

The Foundation welcomes input on areas that have a lack of public access or can benefit from public access. When identified, the Foundation will work with landowners on acquisition strategies.

Ms. Crumley noted that the Board and the Department look forward to a stronger relationship with the Wildlife Foundation. The Board also requested Ms. West to keep Department staff and the Board aware of any impediments found to being able to take youth hunting and/or fishing.

**5. Committee Reports: AUDIT COMMITTEE:** Mr. Montgomery reported that the Audit Committee met on November 17 to conduct its review of employee small purchase credit card activity. The 10% random review of cardholder charges revealed two unresolved transactions. Management is investigating the two charges.

**GOVERNANCE COMMITTEE:** Mr. Hazel and David Whitehurst performed a page-by-page review of the draft Governance Manual and Code of Ethics and Conduct

documents that were developed by the Committee for the Board's consideration. An edited version of the draft documents were distributed to Board members that included revisions recommended by legal counsel. In addition to minor typographical or grammatical changes, the Board noted or offered the following suggested revisions:

- to insure that the documents are consistent when referring to the duties of the Chairman and Vice Chairman,
- add a statement regarding ex parte requirements during open public comment periods,
- clarify that the Board will conduct an annual review of its policies in January,
- to clarify that the Chairman will work with the Director to develop a Board meeting agenda,
- to provide a separate secretarial support position to assist the Board,
- to add an addendum that the Board secretary will prepare a calendar of events for the Board to insure compliance with all requirements and deadlines,
- how the Board responds to Freedom of Information Act requests,
- to add a mechanism for Board members to participate in meetings via teleconferencing,
- to clarify that the Chairman is the spokesman for the Board on issues involving a full Board decision, but Board members are free to interact with the press on individual interests and/or actions,
- to clearly specify appropriate employee/Board interaction,
- to define an ends policy, and
- to clarify that while a Board member is appointed to represent a specific Congressional District, members also represent statewide interests and issues.

Staff was requested to edit the documents as specified and the Board was asked to be prepared to take final action on these documents at its scheduled December meeting. Staff was also requested to post copies of these documents on the agency's web site as an attachment to the draft meeting minutes.

Chairman Crumley provided an opportunity for the public to comment.

**Ed Rhodes, Richmond, Virginia** stated that the public was inconvenienced by not having copies of the discussed documents for reference. He wanted to know if the manual provides an opportunity for the public to add items to the announced agenda and if the Board secretarial position would require an additional FTE. He also felt that the agency's existing media relations position could handle public relations matters for the Board.

At future meetings, the Board requested staff to have copies of draft documents available for the public.

The Chairman called for a break at 10:50 a.m. and the meeting reconvened at 11:08 a.m.

**Policy Committee:** Mr. Yates reported that the Policy Committee met November 16 and reviewed staff recommendations for needed policies. Copies of proposed policies were made available to the Board for review, but because the Policy Committee had not had an opportunity to meet, he felt that it was too soon for the full Board to consider the proposed policies. A follow-up December Policy Committee meeting is planned, and the Committee plans to present policies to the full Board for its consideration at its December 14 meeting (changed from the previously announced date of December 16, 2005).

Colonel Massengill stated for the record that the Office of the Secretary of Natural Resources has requested the Board to complete its work on the Governance and Policy documents before the next administration assumes office.

**SEARCH COMMITTEE:** Mr. Montgomery reported that the Search Committee met briefly on October 27, 2005 and copies of the applications received for the vacant Director's position were provided to each member of the Committee. He felt that the Committee is on target for completing its task within the required time frame. He also wants to seek input from agency staff via e-mail on traits employees would like to see in the new director. Employees would be expected to respond directly to Mr. Montgomery via email. Employee comments will be shared with Search Committee members.

**6. Board Resolution Regarding an Exception to the Requirement to Display Motorboat Registration Decals:** Charlie Sledd presented the following resolution to allow the Director to grant an exception, upon written request and for good cause, to the requirement that boat owners display decals on certain types of vessels.

Whereas § 29.1-703 of the Code of Virginia requires that decals signifying the last month and year during which the certificate of number is valid must be displayed on each side of the motorboat within six inches of the registration number so as to be visible while the motorboat is being operated; and whereas 4 VAC 15-390-40 provides that on vessels so configured that a number on the hull or superstructure would not be easily visible or the numbers would not remain securely attached, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel; and whereas § 29.1-703 of the Code of Virginia provides that upon written request and for good cause, the Board may allow exceptions to the requirement to display decals; and whereas § 29.1-103 of the Code of Virginia authorizes the Board to adopt resolutions or regulations conferring upon the Director all such powers, authorities and duties as the Board possesses and deems necessary or proper to carry out the purposes of this title; and whereas the Department has received a written complaint that motorboat registration decals will not adhere to certain inflatable boats, and that the use of a backing plate is subject to getting caught on docks and other fixed

objects that may then damage the boat at their point of attachment; now therefore be it resolved by the Board of Game and Inland Fisheries, meeting in public session this 29<sup>th</sup> Day of November 2005, does confer upon the Director of the Department of Game and Inland Fisheries the Board's authority to allow exceptions to the requirement to display decals. Exceptions shall only be considered upon written request and for good cause on certain types of vessels, which includes, but is not limited to, those vessels so configured that a decal on the hull or superstructure would not be easily visible or the decals may not remain securely attached; and be it further resolved that when exceptions are authorized by the Director that the vessel operator shall have the registration decals on board the vessel and available for inspection by any game warden or other law enforcement officer.

An opportunity was provided for Board members and the public to comment on the proposed resolution and no comments were heard.

**Mr. Hazel moved, seconded by Mr. Hill, passed unanimously in a show of hands vote, to approve the resolution of the Board of Game and Inland Fisheries allowing exceptions to the placement of boat decals. (Ayes: Hazel, Hill, Davison, Greer, Montgomery, Railey, Burton, Crumley, Yates, and Stroup)**

**7. Financial Report:** Ray Davis presented an overview of the October 2005 financial report that was distributed to Board members prior to the meeting. He also presented an overview and explanation of how the agency tracks its expenditures via coding requirements.

An opportunity was provided for Board members to discuss the topic. Additionally, John Montgomery invited all Board members to participate in a future small purchase credit card review meeting.

**8. Chairman's Remarks:** Ms. Crumley reported that she and Colonel Massengill recently met with the Crime Commission. She also indicated that they have met with Delegate Kathy Byron regarding boating safety issues at Smith Mountain Lake, and they have also met with the Secretary of Natural Resources, W. Taylor Murphy, Jr. and Deputy Secretary of Natural Resources David Paylor to keep them informed on the Board and the Department's efforts to address issues identified in the May 2005 Report of the Internal Auditor.

Ms. Crumley requested staff to consider whether the decline in fishing license sales can be attributed to a reduction in license agents across the state. Also, she asked staff to consider alternative options for delivering regulatory information to constituents purchasing licenses electronically. She indicated that the media should not be expected to distribute hunting and fishing laws to the public that elect to use technology to purchase licenses.

The Board discussed the December 16 meeting date and it was the consensus of the Board to change the meeting to December 14, 2005, beginning at 9:00 a.m.

**9. Director's Report:** Colonel Massengill commented on the recent meeting with the Crime Commission that is reviewing enabling legislation for supervisory boards. Because of the work of this Board, they are considering the introduction of legislation to codify by state statute the governance manual. Additionally, code changes are being considered to insure that major decisions will be made by the entire Board, the Chairman's duties will be codified in state statute, i.e., serve as liaison between the Board and the Secretary of Natural Resources, to require a vice chairman's position in statute, to clarify when Board meetings will occur (quarterly), that three members of the Board can call a meeting, and to require an annual compliance audit of all policies. The Commission has requested one of its staff attorneys to assist the Board in drafting desired legislation. Colonel Massengill also requested Board members to share any additional ideas for needed legislation with he or Board member Jimmy Hazel.

Colonel Massengill reported that the Virginia Code Commission plans to recodify Title 29.1 in 2007 to group items according to subject matter.

Dave Morton in the Wildlife Diversity Division demonstrated "Find Game" a new Department initiative based on the agency's web site. This is an interactive tool that allows hunters to find public hunting lands and it also contains information on the wildlife species found there. Information will be provided on the landowner, who to contact, facilities available and links to additional information. The project was funded by a National Shooting Sports Foundation grant. Staff was encouraged to continue to use technology to keep constituents informed.

Bob Duncan briefly discussed the outbreak of chronic wasting disease in West Virginia. A fifth case has been found within four miles of Virginia's border. As a result, Virginia is enhancing its surveillance efforts. Thus far, tests on collected samples have been negative for the disease.

James Adams provided a PowerPoint presentation on the Region III office building under construction in Marion. Occupancy is planned for January 2006. In addition to staff offices, the building will provide public meeting space and warehouse storage. A dedication ceremony will be planned for the spring.

A Region I office is under design for construction on a site owned by Virginia Commonwealth University known as the Rice Property. The facility will also provide office and public meeting space, and warehouse and equipment storage units. When built, it will replace the Department's current leased office space located in Williamsburg.

Colonel Massengill shared that Virginia will be hosting the 2006 Southeastern Association of Fish and Wildlife Agencies conference. The conference will be held in Norfolk. The dates are November 4-7, 2006.

Colonel Massengill reported that game wardens continue to assist with the Hurricane Katrina recovery efforts on the Gulf Coast. A fourth unit may be deployed in mid-December.

**10. Closed Session:** In open session at 1:10 p.m., **Mr. Stroup moved, seconded by Mr. Davison, passed unanimously in a show of hands vote, that the Board go into a closed meeting pursuant to § 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property with respect to a status report on previously approved property acquisitions in the City of Chesapeake, the County of Wise, and the County of Louisa, a status report on possible property acquisitions in Northern Virginia and Southwest Virginia, and a discussion on possible partnerships for other property matters, and further pursuant to § 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the interim director, and further, pursuant to § 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding a specific legal matter in the County of Frederick requiring the provision of legal advice by such counsel. Ayes: Stroup, Hazel, Davison, Greer, Montgomery, Railey, Burton, Crumley, Hill, and Yates.**

In open session at 2:15 p.m., **Mr. Stroup certified, seconded by Mr. Hazel, passed unanimously in a show of hands vote, that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Ayes: Stroup, Railey, Davison, Greer, Burton, Crumley, Hill, Yates and Hazel. Mr. Montgomery had to leave the meeting at 1:30 due to a schedule conflict.**

Prior to adjournment, Colonel Massengill reported that the Montebello Fish Hatchery was flooded due to heavy rains in Nelson County.

Chairman Crumley announced that the next meeting of the Board will be December 14, 2005, beginning at 9:00 a.m.

Mr. Hazel suggested that some Board members may wish to participate in the December 14 meeting via telephone.

**Adjournment:** As there was no further business, the meeting was adjourned by the Chairman at 2:20 p.m.

Respectfully submitted,

Belle Harding  
Recording Secretary

# BOARD OF DIRECTORS CODE OF ETHICS AND CONDUCT

## I. PURPOSE

The Board of Game and Inland Fisheries, a supervisory board of gubernatorial appointees to represent the public's trust for wildlife and boating resources, must be self governing, self policing, and have consistent guidelines for its operations. The Board of Directors hereby establishes its Code of Ethics and Conduct to provide guidance to its members regarding ethical and behavioral considerations and/or actions as they address their duties and obligations during their appointment.

Compliance with the provisions of this Code will allow the Board to fully implement its Governance Manual; to enhance relationships and foster teamwork among Board members and also with staff; and to build respect, confidence, and credibility with the citizens of the Commonwealth.

## II. CODE OF ETHICS

Each Board member shall adhere to the following Code of Ethics:

- A. Board members shall act with integrity and in an ethical and professional manner in their interactions with each other, the Director, the Secretary of Natural Resources, members of the General Assembly, Department employees, consultants, advisors, and the public.
- B. Board members shall maintain high ethical and moral character, both professionally and personally, so that their behavior will reflect positively upon the Board of Game and Inland Fisheries and the Department.
- C. Board members shall act with competence and shall strive to maintain and enhance their competence and that of their fellow Board members.
- D. Board members shall use proper care and exercise independent professional judgment in the performance exercise of their duties.
- E. Board members shall maintain confidentiality about all matters that are considered in closed meetings.
- F. Board members shall follow the provisions of the Freedom of Information Act in regards to public records, owned, prepared, or in possession of the Department.

- G.** Board members are required to be familiar and comply with the provisions of the State and Local Government Conflict of Interests Act, §§ 2.2-3100 et.seq. of the Code (the Conflict Act). In addition to such compliance, and beyond the definition of “conflict of interest” contained in the Conflict Act, Board members will meet the following criteria in order to avoid even the appearance of impropriety.
1. Board members will have no private contracts or business dealings with the Department.
  2. Board members will recuse themselves and will not participate in the consideration of any matter or attempt to affect the outcome of any issue before the Board when to do so might result in even the appearance of a conflict of interest as defined by the Conflict Act.
  3. Board members will not abuse their authority by using their offices to obtain favorable treatment by the Department for any person.
  4. Board members shall receive no payments from the Department or from any funds or transactions of the Department except for appropriate compensation for their services and reimbursement for expenses as provided by law under §2.2-2813 of the Code.
- H.** Board members shall exercise due diligence to avoid breaches of duty via negligence, intentional action or omission, and unauthorized communications with individuals trying to influence by improper means or seeking to receive personal gains through Board decisions.
- I.** Board members recognize that all Board decisions and actions are to be based on integrity, competence, and independent judgment on the merits and benefits to the wildlife and boating resources and the citizens of the Commonwealth.

### **III. STANDARDS OF CONDUCT**

Board member shall comply with the following standards of conduct:

- A.** Board members shall not engage in conduct that would compromise, discredit, or diminish the integrity of the Board and/or the Department.
- B.** The Board will respect the authority of the Director and will provide instruction and direction only to the Director. The Board will not instruct the Director in regards to specific operational decisions.

1. Board members will be sensitive to the considerable workload of the staff when making requests for assistance, and all requests for assistance will be made through the Director.
  2. The Board will respect the Director's authority in all personnel matters.
  3. Board members will reorient staff that attempt to use Board members as their representatives or use Board members as an avenue for input to the Department or the Director.
- C.** No individual member shall give orders or instructions to any employee of the Department. This does not preclude an individual member from offering his or her opinion, based upon his or her expertise and/or experience, when an employee of the Department requests such an opinion.
1. Board members must recognize that, as individuals or as subgroups, they lack the authority to give orders or direction to the Director ~~(or Board Secretary)~~ except when such instruction is given according to the Board's Governance Manual or specific delegation.
  2. Individual Board members are not to become involved in operational management of the Department.
- D.** Board members will operate with the understanding that they represent both the citizenry of the Commonwealth as well as ~~not~~ constituents from a particular Congressional District.
- E.** Board members will give due consideration in receiving professional and scientific input from staff, realizing that staff proposals represent the current biological thinking (§29.1-109) usually over large geographical areas.
- F.** Board members will strive to establish sound working relationships with each other by taking time to know and appreciate each other as individuals.
1. Board members will be respectful of each other and will not utilize Board meetings to upstage or embarrass colleagues.
  2. Board members will respectfully consider the opinions of others during deliberations, strive for integration of viewpoints

or consensus building in decision-making, and will respect the corporate judgment of the Board in regards to its decisions.

- G.** Board members will refrain from using Board meetings or regulation approval processes to advance their personal agenda.
- H.** Board members will strive to cultivate and maintain good relations with the public, press, and constituent groups; however, they will recognize their limitations to speak for the Board as set forth in the Board's Governance Manual.
- I.** Individual Board members shall refer all proposals or other communications regarding potential or existing programs, contracts, or services to the Director.
- J.** Board members shall not communicate with persons under consideration for selection by the Board and/or the Director for contracts, acquisitions, etc. while the procurement process is in progress.
- K.** A Board member shall not participate in a breach of this Code of Ethics and Conduct by another member, contribute to the concealment of such breach, or knowingly or negligently allow such breach to occur.

#### **IV. GIFTS**

- A.** A Board member shall not solicit or receive a gift or favor from any person, company, or organization, or from any intermediary interest, that may compromise or appear to compromise the independent judgment of the member regarding his or her obligations to the Board. All gifts will be reported in accordance with the State and Local Government Conflicts Act (§§2.2-3100 et seq.).
- B.** Any gift received by a Board member that is prohibited by this policy shall immediately be returned to its source. If a gift is immediately returned to the sender or donated to a suitable charitable organization, it will not be necessary to report the gift.

#### **V. GENERAL PROVISIONS**

- A.** The provisions of this policy do not excuse any Board member from other restrictions of state or federal law regarding conflicts of interest.
- B.** Any breach of this Code of Ethics and Conduct shall be reported to the Finance, Audit and Compliance Committee. The Committee will

investigate, as appropriate, and report its findings and recommendations to the Board.

- C. All Board members will sign an affirmation pledging to honor and follow, according to both the letter and the spirit, this Code of Ethics and Conduct.

Draft Document 12/05/05 by DKW

DRAFT

# BOARD OF DIRECTORS GOVERNANCE MANUAL

## I. PURPOSE

The Board of Directors for the Virginia Department of Game and Inland Fisheries has established this governance policy manual in accordance with §29.1-102, Paragraph B, of the Code of Virginia to provide guidance and structure for the deliberations and decisions necessary for it to fulfill its statutory responsibilities and to accomplish its mission. It fully recognizes that the General Assembly has given stewardship responsibilities for the Commonwealth's wildlife and boating resources to the Department on behalf of Virginia's citizens, and has entrusted the Board with the moral ownership of the Department on behalf of the public. Therefore, the Board will strive to understand the public's values regarding wildlife and boating resources and shall govern its actions based on those values.

## II. AUTHORITY

Section 29.1-102 of the Code establishes the Board of Game and Inland Fisheries, delineates the composition and selection of its members, and provides basic instructions regarding the structure and function of the Board. Section 2.2-2100 defines a supervisory board as one that is responsible for agency operations including approval of appropriations requests, appointment of the agency director, and compliance by the agency director with all board and statutory directives. The responsibilities and authorities of the Board are set forth in §29.1-103 and in other sections of Title 29.1. The Board is

accountable to the purposes and provisions of Title 29.1 of the Code of Virginia and has specific authorities as summarized below:

A. Administration

**The Board shall:**

Serve as trustee of the Lifetime Hunting and Fishing Endowment Fund (§29.1-101.1).

Adopt rules and procedures for the conduct of its business (§29.1-102.B).

Elect one of its members as its chairman, and the chairman shall preside at all regular and called meetings of the Board (§29.1-102.C).

Meet once every three months beginning July 1 of each year for the transaction of its business, and other meetings may be called if necessary (§29.1-102.D).

Designate a member to act in place of the chairman in his/her unavoidable absence (§29.1-102.D). [Note: a comment was received from the Board that we needed to make sure that the documents were consistent when referring to the duties of the Chairperson or Vice-Chairperson. The statement included here is a recitation of the General Assembly's direction for the Board to designate someone to act in the Chairman's absence. Via this Governance Manual, the Board chooses to address this requirement by establishing a Vice-Chairperson under Section IV.B, entitled *Officers*. Code citations have been included in that section to clarify consistency throughout the document.]

Meet in Richmond or at such other places within the Commonwealth as may be expedient (§29.1-102.D).

Appoint the Director to head the Department and to act as principal administrative officer and ensure his compliance with statutory and Board directives. The Director is subordinate to the Board (§§2.2-2100, 29.1-109.B, and 29.1-103.1).

Approve requests for appropriations (§2.2-2100).

Manage gifts of property or money in such a way as to maximize their value to the citizens of Virginia (§29.1-104).

Reduce all rules, resolutions, regulations, and policies of the Board to writing for the Director; these writings shall be public documents; and shall be available to the public on request (§29.1-107).

Open minute books and other records of the Board to examination by the Governor and Auditor of Public Accounts, or their representatives, at all times. The accounts of the Board shall be audited in the manner provided for the audit of other state agencies (§29.1-108).

Pay twenty-five percent of the proceeds from timber sales on lands owned by the Board to the locality in which the timber was located (§29.1-111).

Enter into a cooperative agreement with the United States Forest Service to define the means and methods to improve the fish and wildlife resources of the national forests in Virginia and shall program the expenditure of all funds derived from the sale of the national forest stamp (§29.1-411).

Designate (Board Chairman) a Motorboat Committee with three members from the Board (§29.1-701).

**The Board is authorized to:**

Designate funds to the Capital Improvement Fund and may transfer an amount equal to fifty percent or less of the revenue generated annually from the sales and use tax which has been deposited in the Game Protection Fund pursuant to subsection E of § 58.1-638 (§29.1-101.01).

Adopt resolutions or regulations conferring upon the Director all such powers, authorities, and duties as the Board possesses and deems necessary or proper to carry out the purposes of Title 29.1 (§29.1-103.12).

Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to Article 1.1 (§29.1-101.2 et seq.) of Chapter one of this title (§29.1-103.13).

Receive gifts, grants, bequests, and devises of property, real or personal, and money, which, if accepted, shall be taken and held for any uses prescribed by the donor, grantor, or testator and in accord with the purposes of Title 29.1 (§29.1-104).

Enter into contracts, with the approval of the Governor, for the lease of lands or buildings owned by the Board (§29.1-105).

Enter into reciprocal agreements for sport-fishing licenses with adjoining jurisdictions having inland waters adjacent to Virginia (§29.1-535).

B. Acquisition

**The Board is authorized to:**

Acquire by purchase, lease, or otherwise lands and waters in the Commonwealth and to establish buildings, structures, dams, lakes, and ponds on such lands and waters (§29.1-103.2); lands and waters for game and fish refuges, preserves or public shooting and fishing, and establish such lands and waters under appropriate regulations (§29.1-103.4); lands and structures for use as public landings, wharves, or docks, to improve such lands and structures, and to control the use of all such public landings, wharves, or docks by regulation (§29.1-103.5)

C. Conservation of Wildlife

**The Board is authorized to:**

Conduct operations for the preservation and propagation of game birds, game animals, fish and other wildlife in order to increase, replenish, and restock the lands and inland waters of the Commonwealth (§29.1-103.3).

Acquire and introduce any new species of game birds, game animals, or fish on the lands and within the waters of the Commonwealth (§29.1-103.6).

Restock, replenish, and increase any depleted native species of game birds, game animals, or fish (§29.1-103.7).

Control land owned by and under control of the Commonwealth in Back Bay, its tributaries, and the North Landing River from the North Carolina line to the North Landing Bridge (§29.1-103.10).

Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating, and increasing the supply of game birds, game animals, fish, and other wildlife in the Commonwealth (29.1-103.11).

Determine when dams or other obstructions interfere with the free passage of anadromous and other fish within the streams of the Commonwealth and also to determine “suitable fishways” (§29.1-535).

D. Education

**The Board shall:**

Establish regulations and rules to administer and enforce a hunter education program (§ 29.1-300.2)

Establish six full-time hunter education coordinator positions (§29.1-300.2).

**The Board is authorized to:**

Have educational matter pertaining to wildlife published and distributed (§29.1-103.8).

Hold exhibits throughout the Commonwealth for the purpose of educating school children, agriculturists, and other persons in

the preservation and propagation of wildlife in the Commonwealth (§29.1-103.9).

E. Regulations and Rules

**The Board shall:**

Regulate or prohibit by regulation any drilling, dredging, or other operation designed to recover or obtain shells, minerals, or other substances on land owned by and under control of the Commonwealth in Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge to prevent practices and operations which would harm the area for fish and wildlife (§29.1-103.10).

Conform its regulations regarding the hunting of migratory game birds with the regulations of the United States government in regards to open seasons and bag limits (§29.1-515).

Promulgate regulations necessary to carry out the provisions of Chapter 6 of Title 29.1 pertaining to the licensing and operation of shooting preserves (§29.1-600.1).

**The Board is authorized to:**

Promulgate regulations pertaining to the hunting, taking, capture, killing possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish (§29.1-501).

Prescribe the seasons and bag limits for hunting, fishing, trapping, or otherwise taking such wild birds, animals, and fish

in the Commonwealth (§29.1-506) and on lands and waters owned or controlled by the Board (§29.1-508).

Close or shorten open seasons under certain conditions by giving public notice (§29.1-507 (§29.1-103.10)).

Prescribe distances less than 500 yards between waterfowl hunting blinds and the use of such blinds with restrictions (§29.1-531).

Establish a practical system of identification of trout offered for sale for table or other uses that it prescribes (§29.1-531).

Declare endangered and threatened species of fish and wildlife and to prohibit the taking, transportation, processing, sale, or offer of sale within the Commonwealth (§29.1-566).

Declare birds and animals as predatory and undesirable or nonindigenous aquatic nuisance species and control the importation and possession of such animals (§§29.1-542, 29.1-573).

F. Fees, Licenses, and Permits

**The Board shall:**

Establish by regulation a procedure for selling bonus deer permits and set the fee for this permit according to some restrictions (29.1-305.1).

**The Board is authorized to:**

Establish and collect admittance, parking or other use fees at certain Department-owned facilities according to certain restrictions (§29.1-103.14).

Establish and collect a use fee through the issuance of an annual hunting stamp required to hunt on private lands managed by the department with certain requirements (§29.1-103.15).

Revise, as it deems appropriate, through the promulgation of regulations, the fees charged for hunting, fishing, and trapping licenses with certain restrictions (§29.1-103.16).

Designate agents for the sale of hunting and fishing licenses and appoint agents for the sale of licenses and permits via telephone and electronic media (§§29.1-323 and 29.1-337).

Create a separate special license for the hunting of bear in the Commonwealth according to fees and requirements (§29.1-305).

Impose daily use fees, not to exceed three dollars and fifty cents, and issue permits to fish in specially stocked trout streams (§29.1-318).

Administer a permit system to allow certain privileges for the collection, holding, etc. of wildlife according to regulations, reports, and fees as it may prescribe (§29.1-413).

Grant permits to bona fide field trial clubs and associations to hold field trials with dogs under regulations and fees that it establishes (§29.1-422).

Issue permits to raise, purchase, release, and hunt pheasant on private lands under rules, regulations, and seasons that it may require (§29.1-514).

Recognize persons, companies, or corporations with canneries or processing plants in other states that are duly licensed to operate such facilities in those states so that those entities can possess, transport, sell, etc. wild animals, birds, fish that are packaged in a can, tin, pot or other receptacle outside of the Commonwealth (§29.1-543).

Permit the taking and possession, etc. of endangered or threatened (§29.1-568), predatory and undesirable (§29.1-542), and nonindigenous aquatic nuisance (§29.1-575) species under special conditions.

Adopt revisions to the fees charged for motorboat registration and title certificates (§29.1-701.1)

#### G. Boating

##### **The Board shall:**

Promote the interest of retail buyers of watercraft and may prevent unfair methods of competition and unfair or deceptive acts or practices (§29.1-802).

**The Board is authorized to:**

Make rules and regulations as it deems necessary and proper for the effective administration of Chapter 7 of Title 29.1 concerning boating laws (§29.1-701.E).

Allow exceptions to the requirement to display decals showing the expiration date of motorboat registrations on the side of motorboats (§29.1-703).

Adopt regulations as it deems appropriate for the safe and reasonable operation of vessels and for proper equipment (§29.1-735).

Promulgate regulations governing the takeoff, landing, and taxi of seaplanes on impoundments located on the inland waters of the Commonwealth (§29.1-735.1).

Establish special or general rules regarding safe and reasonable operation of vessels on any waters within any political subdivisions of the Commonwealth upon application from that subdivision or on its own motion (§29.1-744)

Promulgate regulations within the provisions of the Watercraft Dealer Licensing Act (§29.1-805).

### III. PRINCIPLES

#### A. COMMITMENT

The Board is devoted to accomplishing the Department's mission and fulfilling its vision, as follows:

**Mission:** To manage Virginia's wildlife and inland fish to maintain optimum populations of all species to serve the needs of the Commonwealth;

To provide opportunity for all to enjoy wildlife, inland fish, boating, and related recreation;

To promote safety for persons and property in connection with boating, hunting, and fishing.

**Vision:** The Board of Game and Inland Fisheries seeks to provide long-term direction and resources to the Department to firmly establish and maintain it as a leader among wildlife and boating agencies within the Nation. The Board's deliberations and decisions will be based on sound scientific principles and procedures, as developed, researched, recognized, and accepted within the bounds of comprehensive professional wildlife resource management, and will focus on excellence in service to ~~its owners~~, the citizens of Virginia. The Board will strive to provide an environment that fosters ethical behavior, teamwork, professional development, and distinction in performance among its members and the employees of the Department. The Board is fully committed to excellence in

governance and in fulfilling its responsibilities as stewards of these most valuable resources.

B. APPROACH TO GOVERNANCE

1. To achieve its vision for the Department, the Board will govern according to the following values:
  - a. An outward vision;
  - b. A long-term perspective;
  - c. A proactive approach to governance;
  - d. Strategic leadership;
  - e. Consideration of multiple viewpoints during deliberations, integration of ideas or consensus building in decision-making, and accord following decisions; and
  - f. Clear distinction between the roles and actions of the Board and those of the staff, particularly in regards to the role of the Director.
2. The Board will be guided by the following principles in all of its deliberations, decisions and actions:
  - a. The Board will convey its organizational values and perspectives to the Department with the development of broad policies that are founded on the principles of openness, integrity, and accountability.
  - b. The Board's focus will be on long-term goals, expressed as "Ends" statements, that address the

Department's mission, and not on the operational approaches or "means" of attaining those goals.

- c. The Board will develop policies in four areas as follows:

Ends – properly targeted, mission-related goals, results, impacts or outcomes;

Executive Limitations – articulation of limits and boundaries for staff actions;

Board-Executive Relationship – delegation of authority to the Director and evaluation of how that delegated authority is used within the context of the Department's mission and the Board's policies; and

Board Process: -- the way that the Board governs itself and provides leadership and direction to the organization.

- d. While the Board expects staff recommendations regarding Board policy requirements, the Board will initiate policy development according to its needs. Additionally, the Board will review and update its policies according to the schedule that it establishes for such review. The Board will be responsible for excellence in governing.
- e. The Board will apply self-discipline as necessary to govern with excellence. Discipline will apply to

all aspects of Board activities such as preparation for meetings, interactions with the public and staff, behavior and attendance at Board events, policy-development principles, and adherence to Board processes as established in Board policies. Board members will interact with staff to enhance their understanding of Department programs and their ability to perform their duties, but will provide direction to the Department via Board actions to the Director.

- f. The Board recognizes that it is ultimately accountable for all aspects of the Department and will conscientiously strive to accomplish its obligations to the citizens of the Commonwealth. It will allow no officer, individual, or committee of the Board to usurp this role or hinder this commitment.
- g. Officers and committees will be established to assist the Board with its responsibilities. Major decisions and actions of the Board will occur at the Board level, and when appropriate, by a vote of the entire Board.
- h. The Board will monitor and regularly assess its own policies and performance and will make adjustments as necessary to maintain and/or improve its governance of the Department.

- i. Furthermore, it will ensure the continuity and advancement of its governance skills through training and development of all Board members and through thorough orientation of new Board members.

#### IV. STRUCTURE AND FUNCTION OF THE BOARD

##### A. COMPOSITION

- 1. The members of the Board are appointed and serve in accordance with §29.1-102 of the Code of Virginia, which provides, inter alia:

- a. The Board shall consist of not more than one member from each Congressional district. Members shall be appointed for terms of one to four years; however, appointments shall be made in a manner whereby no more than three members shall have terms that expire in the same year. An appointment to fill a vacancy shall be made in the same manner, but only for the unexpired term. No person shall be eligible to serve more than two consecutive, four-year terms.

- b. The Governor, ~~subject to confirmation by the General Assembly,~~ appoints Board members, subject to confirmation by the General Assembly.

- c. The Governor may remove Board members from office during their respective terms.
2. All new Board members must complete an orientation program within forty-five (45) days of the date of their first appointment to the Board. The Vice-Chairperson shall be responsible for developing and presenting the orientation program.
3. All Board members shall be required to sign an affirmation pledging to uphold both the letter and spirit of The Board of Game and Inland Fisheries' Code of Ethics and Conduct within forty-five (45) days of the date of their appointment to the Board or within thirty (30) days of the adoption of these policies, whichever comes later.

B. OFFICERS

Officers of the Board will consist of a Chairperson (§29.1-102.C) and a Vice-Chairperson (§29.1-103.D). The Chairperson will appoint a Nominations Committee that will develop a slate of candidates for both positions and present it to the Board at the Board's second meeting of the calendar year. The Chairperson will entertain a motion to accept the Committee report and open the floor for additional nominations. After the membership has had ample opportunity to make nominations, the Chairperson will accept a motion to close the nominations. The Board will elect officers from the candidates for both positions by majority vote during its June meeting. New officers will assume the responsibilities of their positions on July 1 and will serve through June of the next year. The term of office is one-year for both

positions, and no one can serve in either position for more than two consecutive, one-year terms. The Vice-Chairperson does not assume the Chairperson's position; however, the Vice-Chairperson can be nominated for and elected to become the Chairperson.

In the case of unexpected vacancies, the Board may install duly elected officers by majority vote at its next meeting. If incoming officers have not been selected, the Board may nominate and elect a member to fill the vacant position by a majority vote. Installation of the officer will occur immediately after he/she is elected by vote of the Board.

C. CHAIRPERSON

The Chairperson is charged with ensuring the openness, integrity, and accountability of the Board's process; motivating the Board members to focus on the long-term, mission-related "Ends" for the Department and to fulfill their responsibilities and duties toward those Ends; and to oversee the operation of Board meetings to optimize the effectiveness and efficiency of those meetings. Towards these ends, the Chairperson:

1. Works with the Director to develop agendas for Board meetings;
2. Presides over meetings of the Board;
3. Votes on motions as other members, except that the Chairperson shall not be required to cast his or her vote before hearing or counting the votes from the other members (Note: Robert's Rules of Order, which the

Board has adopted, normally requires that the Chairperson does not vote, except in certain situations. However, since each member represents a Congressional district, all should cast their votes on the public's behalf.)

4. When required, certifies actions taken by the Board;
5. Communicates to outside interests on behalf of the Board regarding specific decisions or actions made by the Board; [Note: are any changes needed here?]
6. Appoints members to standing committees including a Motorboat Committee (§29.1-701) and to ad hoc committees created by the Board, subject to confirmation by the Board;
7. Communicates regularly, but at least quarterly, with the Secretary of Natural Resources to inform him/her regarding activities and programs of the Board and Department and to receive information on initiatives by the Administration; and
8. Performs such additional duties as prescribed within this policy or as may be established by resolution of the Board.

D. VICE-CHAIRPERSON

The Vice-Chairperson is a member of the Board, elected by a majority vote of the Board according to the procedures for the election of officers. The duties of the Vice-Chairperson are as follows:

1. Preside over Board meetings if the Chairperson is unable to do so as per §29.1-102.D;
2. Maintain the integrity of all Board policies including a review of all policies annually. The Vice-Chairperson will present the results of his annual review to the Board at its first meeting after January 1 and will make recommendations for amendments, additions, and deletions at that time.
3. Provide orientation to new Board members within 45 days of their appointment;
4. Provide guidance and interpretation on Board meeting procedures according to the rules (§29.1-102) within the current edition of *Robert's Rules of Order, The Modern Edition*.
5. Perform such additional duties as prescribed within this policy or as may be established by resolution of the Board.

E. SECRETARY

The Board instructs the Director to designate a staff member with acceptable credentials to serve as the Board Secretary. Following the Board's appointment of this individual as Board Secretary, this person shall serve in this capacity until such time as he or she is unable or unwilling to continue to do so, or until such time as the Board terminates the appointment. The Secretary to the Board has the following duties and responsibilities:

1. To maintain a current list of the membership of the Board and of each committee;
2. To notify Board members of Board and committee meetings;
3. To coordinate and disseminate information to the members of the Board;
4. To prepare correspondence for the Chairperson when he/she is communicating on behalf of the Board;
5. To maintain official minutes and records of all proceedings of the Board;
6. To coordinate the response to requests received by the Board under the Freedom of Information Act; [Note: Old number 7 concerning accepting service of process was deleted and moving to responsibilities of the Director]
7. To ensure timely filing of reports with the Secretary of the Commonwealth under the State and Local Government Conflict of Interests Act;
8. To prepare, prior to each meeting of the Board and its committees, advertisements of the meeting and to place them in the appropriate media outlets, in accordance with the requirements of the Administrative Process Act.
9. To prepare, prior to each meeting and in coordination with the Board or committee Chairperson and the Director, an order of business (agenda) that lists all known issues to be addressed at the meeting, in their exact order of presentation;
10. To coordinate agendas and presentations for the Board;
11. To prepare a calendar of events for the Board to insure compliance with all Board requirements and deadlines; and,

12. Perform such additional duties as provided herein or as may be set by resolution of the Board.

F. MEETINGS/ATTENDANCE

The Board drafts and approves a regular meeting schedule in advance of each calendar year. Meetings will occur at least once every quarter in accordance with §29.1-102, and the Board may schedule meetings on a bi-monthly basis. The schedule may be amended by agreement of a majority of the Board. The Board may schedule additional meetings, if deemed necessary, after giving appropriate notice to all members of the Board and to the public. The Chairperson will schedule a meeting upon the request of three members of the Board and will notify the Director of the called meeting. The request may be made verbally during a duly convened Board meeting or in writing to the Board Chairperson at other times. In all cases, the purpose of the meeting must be clearly stated, and those three or more members making the request must be clearly identified.

Members are expected to attend all meetings unless there are mitigating conditions that preclude a member's presence. In such cases, the member must notify the Board Chairperson and Board Secretary in advance of the meeting and give the reason for his/her absence.

G. PROCEDURAL STANDARDS

1. The Board will use the current edition of *Robert's Rules of Order, The Modern Edition*, to govern the proceedings of all of its Board and committee meetings insofar as they are applicable and not inconsistent with law or any of the policies adopted by the Board. All meetings of the Board and its committees shall comply with the provisions of the Virginia Freedom of Information Act (Title 2.2, Chapter 37 of the Code of Virginia).
2. Voting by proxy is prohibited by law.
3. A majority of members of the Board shall constitute a quorum at Board meetings (§29.1-102.D)
4. Approval of an action or decision shall be by a majority of a quorum of the Board.

H. RESPONSIBILITIES AND DUTIES OF THE BOARD

To accomplish its trustee and administrative duties, the Board shall perform the following duties:

1. The Board shall establish the strategy for and approve all actions regarding the following policy-related items:
  - a. General Duties
    1. Ends policies
    2. Decision-making structure
    3. Governance manual
    4. Annual budget

5. Wildlife and boating regulations
6. Financial reporting system
7. Internal control system

b. Administration-related Duties

1. Agency mission, vision, and motto
2. Strategic plan and objectives
3. Executive limitations policies
4. Board/Secretary of Natural Resources/Director relationships
5. Board/Director relationship policies
6. Director selection and performance evaluation processes

2. The Board shall approve all actions and decisions regarding the following areas of policy implementation and Department operations:

a. General Duties

1. Creation and appointments to Standing, Advisory, and Ad Hoc Committees
2. Mandate and appointment of the Director
3. Audit function

b. Administration-related Duties

1. Educate constituents regarding Board policies and strategic plans for the Department

3. The Board shall monitor the following elements to ensure compliance with, and continued appropriateness of, Board policies and guidelines:

- a. General Duties

1. Ends policies
2. Decision-making structure and governance manual
3. Financial reporting system
4. Budget
5. Internal control system
6. Legislation
7. Audit function

- b. Administration-Related Duties

1. Plan vision, mission, and motto
2. Strategic Plan and objectives
3. Executive limitations policies
4. Board/Secretary of Natural Resources/Director relationship
5. Board/Director relationship policies
6. Director performance evaluation processes

4. The Board shall oversee each of the following and take such action as is necessary and/or appropriate:

- a. General Duties

1. Implementation of Ends policies
2. Effectiveness of governance policies

b. Administration-related Duties

1. Effectiveness of executive limitations policies
2. Effectiveness of Board/Secretary of Natural Resources/Director relationship
3. Effectiveness of board/director relationship policies
4. Performance of the Director

V. RELATIONSHIP BETWEEN THE BOARD AND THE SECRETARY OF NATURAL RESOURCES

The Board recognizes that the Department is an agency within the Natural Resources Secretariat and understands that the governance structure of the Department is unique for this cabinet of state government. While this structure is different, the Board is committed to insuring that the Department operates effectively and appropriately within this important unit of state government. Therefore, the Board will focus on its statutorily mandated responsibilities as expressed within its mission statement and will also seek to establish and maintain regular communications and coordination of efforts with the Secretary of Natural Resources in regards to initiatives of the Administration and government-wide procedural and process-related requirements. The Board will pursue the following actions to insure compliance with initiatives of the Administration and government-wide requirements.

- A. The Board directs the Chairman via this governance manual to communicate regularly with the Secretary of Natural Resources to keep him/her informed of Board initiatives and to receive updates on issues and directives from the Administration and the requirements of government-wide procedures.
- B. The Board will solicit input from the Secretary of Natural Resources when it develops performance plans for the Director and as it evaluates the Director's performance. The Board will specifically request that the Secretary of Natural Resources forward information regarding special initiatives or performance measures required by the Governor so that they can be incorporated into the Directors performance plan.
- C. The Board will place requirements upon the Director to meet regularly with the Secretary of Natural Resources to discuss issues relative to the Department and to provide regular, written updates to the Secretary of Natural Resources regarding initiatives, programs, and activities of the Department. The Director will provide summaries of those reports to the Board, and the Board will solicit feedback from the Secretary of Natural Resources as to the Director's performance in this regard.

## **VI. RELATIONSHIP BETWEEN THE BOARD AND DEPARTMENT OPERATIONS**

All authority delegated from the Board to the staff will be delegated through the Director; thus, all authority and accountability of Department operations and staff performance rests with the Director.

- A. The Board will instruct the Director to achieve certain results for its constituents through the development of Ends policies. The Board will institute limitations on the Director's latitude for accomplishing these Ends via the establishment of Executive Limitations policies. These policies will spell out the practices, methods, conduct, and other "means" that are available to the Director as he directs the operations of the department.
- B. As long as the Director adheres to a reasonable interpretation of the Ends and Executive Limitations policies, he/she is authorized to create additional policies, make all decisions, take all actions, establish all practices, and develop all activities.
- C. The Board recognizes that changes to its Ends and Executive Limitations policies will shift the boundary between the Board and the Director as well as the Director's latitude in executing the Department's operations. The Board will recognize delegations that are in place at such times and will respect and support the Director's choices.
- D. The Director is bound only to decisions of the Board acting as a body.
- E. Decisions or instructions of individual Board members, officers, or committee are not binding on the Director except in rare occasions when the Board has specifically authorized such exercise of authority.
- F. The Board will routinely monitor the Department's performance relative to the Ends and Executive Limitations policies and will

consider the results in the evaluation of the Director's performance.

G. DIRECTOR

Pursuant to §29.1-103, §2.2-2100, and §29.1-109,B, the Board shall appoint a Director to head the Department and to act as principal administrative officer. The Director shall have the following powers as defined in the Code of Virginia or by regulations and policies of the Board:

1. Administration

**The Director shall:**

Regularly brief the Secretary of Natural Resources on initiatives, programs, and activities of the Department. The Director shall meet with the Secretary of Natural Resources or his/her representative at least once every month and shall submit weekly written reports on significant Department activities to the Secretary. He/she shall seek guidance from the Board on mission-related matters and obtain counsel from the Secretary in regards to government-wide procedural and process-related matters and on initiatives of the Administration. The Director shall brief the Board on interactions and issues with the Secretary of Natural Resources at each of the Board's regularly scheduled meetings.

Accept service of process on behalf of the Board. [Note: The Board needs to determine if it prefers to delegate authorities and duties to the Director via its Governance Manual, through its regular policies, or via a specific set of policies describing the “Board-executive relationship. Efforts have been made to capture all authorities delegated to the Director in the governance manual so that the Board would be aware of them. Does the Board desire to have all of its delegations to the Board made and/or recorded in its governance manual?]

**The Director is authorized to:**

Employ persons necessary for the administrative requirements of the Board and to designate the official position and duties of each. (§29.1-109, B3).

Perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife projects with the federal government as prescribed by Congress and in compliance with rules and regulations promulgated by the Secretary of the Interior (§29.1-109, B4).

Make and enter into all contracts and agreements necessary or incidental to the performance of his/her duties and the execution of his/her powers, including, but not limited to, contracts with the United States, other

state agencies, and governmental subdivisions of the Commonwealth (§29.1-109, B5).

Sign on its behalf, documents, leases, and conveyances previously approved by the Board (via Board policy)

Employ special counsel approved by the Governor to defend any game warden appointed by the Director who is prosecuted on any criminal charge arising out of any act committed in the performance of his official duties (§29.1-218).

Grant and acquire interest in land and water through minor land leases, easements, and contracts subject to the necessary state approvals. For the purposes of this policy only, minor land leases, easements, and contracts include utility crossings, access to properties, administrative buildings, antenna sites, boat landings, and wildlife lands; and furthermore, the value of each such minor lease, easement, or contract shall not exceed \$5,000 or a total of \$200,000 per fiscal year for all such leases, easements and contracts (via Board policy).

To recommend to the Board any policy changes that should be made by January 5<sup>th</sup> of each year, or as soon thereafter as practicable (via Board policy)

## 2. Conservation of Wildlife

### **The Director shall:**

Appoint regular and special game wardens as he may deem necessary to enforce the game and inland fish laws and shall issue a certificate of appointment to each game warden (§29.1-200).

### **The Director is authorized to:**

Enforce or cause to be enforced all laws for the protection, propagation, and preservation of game birds and game animals in the Commonwealth and all fish in the inland waters thereof (§29.1-109, B1).

Initiate prosecution of all persons who violate such laws, and seize and confiscate wild birds, wild animals, and fish that have been illegally killed, caught, transported, or shipped (§29.1-109, B2).

On request of any employer owning more that 500 acres, the Director may appoint as special game wardens persons employed by the owner. On request of two or more adjoining landowners who own 1,000 or more contiguous acres, the Director may appoint as special game wardens persons employed by one or more of the landowners (§29.1-217).

When practicable, consult with, and keep informed, wildlife and boating constituent organizations so as to benefit Virginia's wildlife and natural resources, and accomplish the Department's mission (§29.1-109, B6).

Manage, harvest, and sell timber on lands owned by the Board in accordance with the best timber and game management practices (§29.1-111).

Approve the use of drugs on vertebrate wildlife (§29.1-508.1)

Register deer enclosures in certain instances (§29.1-525.1, D).

Authorize the feeding of bear, deer, or turkey on national forest lands and department-owned lands (4 VAC 15-40-281).

Approve nontoxic shot for waterfowl hunting (4 VAC 15-260-140).

Designate waters as "designated stocked trout waters" (4 VAC 15-20-190) and Trout Heritage Waters (4 VAC 15-330-10).

Designate waters to be included within the Urban Fishing Program (4 VAC 15-330-200).

3. Regulations and Rules

**The Director is authorized to:**

Propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§29.1-501 and 29.1-502 of the Code of Virginia (4 VAC 15-20-130).

Establish and post rules governing certain activities on Department-owned or controlled lands (4 VAC 15-40-280).

Develop rules necessary for the enforcement of the Board's policy concerning the use of boat ramps (via Board policy).

4. Fees, Licenses, and Permits

**The Director shall:**

Deliver licensing materials to license agents or clerks before the first day of the license year, must account for unused, annually expiring material and unsold licenses, and shall determine and supply equipment and materials needs for suppliers of electronic license sales outlets (§29.1-330).

Approve all permits for threatened and endangered species issued on behalf of the Board permits according to Board policy.

**The Director is authorized to:**

Authorize the acceptance of methods of payment of licenses and permit fees (§29.1-112).

Permit special fishing permits for certain veterans (§29.1-312).

Issue at a regular fee up to 25 state resident fishing licenses in the name of any state institution operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for use by patients of the institution (§29.1-313).

Issue special fishing permits for certain handicapped persons (§29.1-314), school classes (§29.1-315), youth camps (§29.1-316), and juveniles (§29.1-317).

Issue complimentary hunting and fishing licenses to certain representatives from federal, state, and non-governmental organizations (§29.1-339).

Require fur permit holders to submit detailed activity reports (§29.1-405).

Issue permits for the killing of deer or bear when damaging crops, livestock, etc. (§29.1-529).

Permit the importation, possession, purchase, receipt, or transportation of a nonindigenous aquatic nuisance species and to obtain warrants if necessary to enter and inspect property for the presence, seizure, or eradication of such species (§29.1-574-577).

Issue and revoke licenses for shooting preserves under certain conditions (§§29.1-600 and 609).

Obtain licenses, permits, stamps, or records from license agents as necessary to administer the Department's licensing program (4 VAC 15-20-110).

Appoint new consignment agents based on provisions of 4 VAC 15-20-120 and Policy Number A-3-93 and to administer the license agent program according to the provisions of Board policy.

Administer the Department's license agent program via Board policy and 4 VAC 15-20-120.

Set permit schedules, permit conditions, delegate signature authority, establish protocols for handling appeals to permit decisions, and for establishing policy for re-issuance of permits to individuals whose previous permits have been revoked or denied (4 VAC 15-30-5).

Issue special permits to reduce or control animal populations by licensed hunters or licensed trappers on areas designated by department wildlife biologists (4 VAC 15-30-240).

Issue permits and establish special rules according to procedures in 4 VAC 15-320-140.

Authorize or renew permits to allow existing boat docks and piers on the Department's public fishing lakes (via Board policy).

5. Boating

**The Director shall:**

Furnish annual lists of boat registrations to commissioners of revenue (§29.1-707).

**The Director is authorized to:**

Designate agents for temporary boat registration agents (§29.1-703.2).

Award certificate of boat registration numbers directly or to authorize others to act as agents and award certificates of numbers (§29.1-706).

Approve or disapprove requests for placement of “no wake” buoys or other markers for private individuals upon application from a local governing body (§29.1-744, E).

Require and approve materials provided to individuals renting a personal watercraft (§29.1-749.3).

Conduct hearings, inspect records of a licensed watercraft dealer, and to take action in the name of the Commonwealth regarding complaints and violations of the Virginia Watercraft Dealer Licensing Act (§§29.1-803, 804, and 806).

Administer the watercraft dealer licensing system pursuant to provisions of Article 2, Chapter 8, in Title 29.1 of the Code of Virginia.

To allow exemptions to the requirement that decals signifying the last month and year during which the certificate of number is valid must be displayed on each side of a motorboat as per §29.1-703. (Board Resolution, November 29, 2005).

The Director may delegate other responsibilities, duties and authority, not specified above, to members of the administrative staff of the Department to improve or advance the efficiency of the Department's operations.

## VII. COMMITTEES

### A. STANDING COMMITTEES

The Board may establish standing committees that it deems necessary to assist it in carrying out its responsibilities and fulfilling its mission. The purpose of a standing committee must be clearly stated to avoid overlap in responsibilities with other Board committees, the Board's officers, and the Director.

After it is instituted, a standing committee shall remain in existence until dissolved by appropriate action of the Board. Additionally upon establishment, a standing committee shall develop a committee charter that will include a purpose statement, an overview of the committee's responsibilities and duties, its operating procedures, and its composition. The committee charter will be presented to the Board for review and approval and will be included in the Board of Director's Governance Manual.

All standing committees of the Board are subject to the following principles and guidelines, unless specifically given other guidance by vote of the Board:

1. Standing committees are to assist the Board in fulfilling its responsibilities, and in doing so, will frequently interact with the Department's staff. In those interactions, the

committees may offer advice or suggestions to staff, but will not provide specific instructions or directions to staff.

2. A standing committee may not act or speak for the Board, unless the Board specifically authorizes such representation for specific purposes.
3. Standing committees will normally focus on the development of policy within specific topical areas and will provide policy alternatives and associated implications to the Board for deliberation and action. These committees will not intrude into operational issues or decision-making that are in the Director's realm of responsibilities.
4. All standing committees shall notify all members of the Board regarding the time and place of all committee meetings. Any Board member may attend the meeting of any standing committee and participate in its discussions; however, only members of the committee may vote on items under consideration by that body.

The Board has established standing committees as follows:

1. **FINANCE, AUDIT, AND COMPLIANCE COMMITTEE**

The purpose of the Finance, Audit and Compliance Committee is to conduct initial and continuing reviews of issues regarding internal and external audits, and the

financial conditions, both short- and long-term, of the Department. Audit reviews will include compliance with Board policies, accounting practices and auditing procedures, adequacy of financial reports and disclosures, the Director's expenses, and violations of law. Financial evaluations will focus on implementation of the Department's annual budgets as approved by the Board as well as the Department's long-term funding needs. The Committee will develop and submit reports, draft policies, and/or recommendations regarding audits and the finances of the Department to the full Board for its consideration.

## **2. EDUCATION, PLANNING, AND OUTREACH COMMITTEE**

The purpose of the Education, Planning, and Outreach Committee is to evaluate its educational, planning, and outreach needs relative to the statutory mandates, mission, and strategic plans of the Board, and to develop and submit reports, draft policies, and recommendations regarding those needs, as necessary, to the full Board for its consideration. The Committee will regularly evaluate the Department's mission, the Board's policies, its long-term planning requirements, and Governance Manual and develop recommendations regarding mission and vision statements, policy and governance changes, and strategic planning for the Board. The Committee will also investigate reported breaches of The Board's Code of Ethics and Conduct and report its findings to the Board.

### 3. **NOMINATIONS COMMITTEE**

The Nominations Committee will interact with the membership of the Board to develop candidates for the officers of the Board for consideration by the full Board. The Committee will report its slate of candidates during the second Board meeting in the calendar year.

### 4. **WILDLIFE AND BOAT COMMITTEE**

The purpose for the Wildlife and Boat Committee is to evaluate the long-term needs of the Commonwealth's wildlife and boating resources and to draft recommendations and/or policies addressing those needs for consideration by the entire Board. This Committee will also assess the needs, desires, and impacts of the users of these resources and provide guidance to the full Board as described above.

## B. ADVISORY COMMITTEES

The Board may appoint advisory committees as it deems necessary to assist the Board in fulfilling its responsibilities on behalf of the citizens of the Commonwealth for the proper stewardship of the state's wildlife and boating resources and the operation of the Department. The Board will establish the purpose, composition, and qualifications for membership of each advisory committee prior to its creation. The recommendations of an advisory committee are not binding

upon the Board. The Board may instruct the Director to provide staff support to an advisory committee, but the committee will provide its reports and/or recommendations directly to the Board for its consideration.

C. SPECIAL (AD HOC) COMMITTEES

The Board may establish special (ad hoc) committees, as needed to carry out specified tasks. A special committee shall cease to exist upon completion of its assignment and presentation of its final report and/or recommendations to the Board. A special committee may not be established to carry out an assignment that overlaps existing functions of any standing or advisory committee.

**VIII. RELATIONSHIP WITH THE PUBLIC**

The General Assembly established the Board of Game and Inland Fisheries to represent the public's interest in the wildlife and boating resources of the Commonwealth and to oversee the operations of the Department of Game and Inland Fisheries. The Governor appoints the Board's members to serve as stewards of those resources and the Department. As the public's trustee in these matters, the Board will conduct its business in an environment that not only allows, but also invites, public scrutiny. The Board of Game and Inland Fisheries shall operate in full compliance with both the letter and the spirit of the Virginia Freedom of Information Act (VFOIA) and the State and Local Government Conflict of Interest Act.

A. PRINCIPLES

1. The Board and the Department shall maintain open communications with the public, its constituent groups and partners in wildlife conservation, and the news media.
2. The Board and the Department will disseminate information, as appropriate, to the public through appropriate channels in an expeditious manner and will, when justified, protect the confidentiality of its transactions on the public's behalf.
3. All meetings and records of such meetings of the Board shall be open to the public except for such meetings that are closed pursuant to, and in accordance with, the provisions of Title 2.2, Chapter 37 of the Code of Virginia.
4. Board members will not engage in discussions with the public or the press about public complaints, investigations, or litigation. All attempts to pursue such contacts, oral or written, shall be strongly discouraged. Each member shall keep a record of any such occurrences and shall forward notice of it to the Director who will then notify the Office of the Attorney General.
5. Because its regulatory actions are subject to review, Board members receiving extraneous contacts during

official, public comment periods for pending regulatory actions will encourage the contacting party to place his or her comments into the public record and shall refer all such contacts, in writing, to the Director for inclusion in the public record.

B. COMMUNICATIONS WITH THE MEDIA

1. The Board speaks through its resolutions, and Board members are free to communicate with the media regarding those decisions.
2. The Board may designate the Chairperson or other member to be the spokesperson for specific issues or resolutions and will refer the media to the designated spokesperson in those cases. The Board herewith authorizes the following delegation:
  - i. The Director is authorized to act as spokesperson regarding administrative and operational matters.
3. The Board Chairperson shall review all official press releases regarding Board policy, activities, or other Board-related matters prior to release.

## IX. OPINIONS OF THE ATTORNEY GENERAL

According to §2.2-505.A of the Code of Virginia, The Board Chairperson or the Director shall make written requests for official advisory opinions from the Attorney General. The Director shall receive approval from the Board Chairperson, and where feasible, from the Board of Directors before requesting an official opinion from the Office of the Attorney General.

## X. AMENDMENT OF GOVERNANCE MANUAL

The Governance Manual of the Board of Game and Inland Fisheries may be amended by a majority vote of the Board as long as the proposed amendment is provided to the Board at its preceding, regular meeting.

If urgent and/or extraordinary circumstances warrant immediate action by the Board, the Board may amend an element or provision at the meeting when the proposed amendment is introduced, provided that the Board approves such action prior to consideration of the proposed amendment. ~~by a unanimous vote.~~

In addition to the foregoing provisions, the Education, Planning, and Outreach Committee shall evaluate the Governance Manual every three years to ascertain whether refinements or changes are needed. The Committee shall report its findings and recommendations to the Board, which will take action on the recommendations at its next regularly scheduled meeting.

## **XI. VALIDITY OF GOVERNANCE MANUAL**

If any of the policies or provisions of the Governance Manual are found to be in conflict with any provisions of the Code of Virginia, the statutory provisions of the Code shall apply instead of the policy or provision in the Governance Manual. In the event that any element or provision of the Governance Manual is invalid due to a conflict with the Code of Virginia, the remaining provisions of the Governance Manual shall continue in full force and effect. The Board will initiate its process to amend its Governance Manual to conform to the provisions of the Code at its next regularly scheduled meeting according to the provisions in article IX above.

Draft Document 12/09/05 by DKW